

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 24, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-25923 - APPLICANT: GALERIAS - OWNER: SEABREEZE VILLAGE, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Supper Club use.
2. Conformance to the conditions of Approval for Variance (V-0054-02).
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for a proposed Supper Club at 1780 North Buffalo, Suite 101. This restaurant has a total of 6,568 square feet and will serve its customers both within this suite as well as on the outside patio. The proposed location is part of a larger shopping center, which adequately supplies the amount of parking required for this use.

The proposed restaurant meets all of the minimum Title 19.04.010 requirements for a Supper Club use; staff therefore recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/22/03	The City Council approved a Variance (V-0054-02) to allow 654 parking spaces where 735 spaces are required. The Planning Commission recommended approval of this request, whereas staff recommended denial.
03/16/05	The City Council approved a Special Use Permit (SUP-5895) for a proposed Restaurant and Service Bar at 1750 N. Buffalo Drive. The Planning Commission and staff recommended approval of this request.
09/06/06	The City Council approved a Special Use Permit (SUP-14281) for a proposed Supper Club at 1780 North Buffalo Suite #101. The Planning Commission and staff recommended approval of this request.
09/06/07	A Special Use Permit (SUP-14281) for a Supper Club expired, requiring the submittal of this application (SUP-25923). The applicant purchased this restaurant, but was unaware of the expiration date of this Special Use Permit.
<i>Related Building Permits/Business Licenses</i>	
04/11/05	A business license (L16-0002) was issued for a Tavern at 1770 North Buffalo Suite #101.
04/22/05	A business license (I02-00145) was issued for an Ice Cream Shop at 1780 North Buffalo #108.
09/22/06	A business license (R09-01191) was issued for a Restaurant – Seating 45 or more at 1750 North Buffalo #107.
12/28/06	A business license (R07-00743) was issued for a Restaurant – Seating Under 45 (Pizza) at 1780 North Buffalo #107.
09/10/07	A business license (P05-00325) was issued for a Pet Shop/Supplies at 1780 North Buffalo #106.
11/05/07	A building permit (97750) was issued for Tenant Improvements at 1780 North Buffalo, Suite #101.

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11/02/07	The applicant submitted two business licenses (R09-94104 and L21-94103) for a Restaurant Seating 45 or more and for a Supper Club. These licenses are on hold, until the approval of this Special Use Permit.
<i>Pre-Application Meeting</i>	
02/14/08	A Pre-Application Meeting was held and the requirements of submitting a Special Use Permit for a Supper Club were discussed. The applicant was also informed about the timetable required for submitting this request.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.82

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Multi-Family Residences	M (Medium Density Residential)	R-PD15 (Residential Planned Development – 15 units per acre)
South	Commercial and Single Family Residential	SC (Service Commercial), ML (Medium Low Density Residential)	C-1 (Limited Commercial), R-CL (Single Family Compact-lot)
East	Single Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact-lot)
West	Single Family Residential	ML (Medium Low Density Residential)	P-C (Planned Community)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – 200 Feet	X		Yes
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	63896		634	18	634	18	Yes
TOTAL	63896		654		654		Yes*

* A Variance (V-0054-02) permitted 654 spaces where 735 parking spaces were required.

ANALYSIS

- **Zoning**

The proposed location has a zoning designation of C-1 (Limited Commercial). This zoning district allows for most retail shopping and personal services. A Supper Club is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

This site is within the North Las Vegas Airport Overlay Map portion of the A-O (Airport Overlay) District. The existing structure is below the height limitation of two-hundred feet (200') and is in compliance with Title 19.06.080.

- **Parking**

Parking is sufficiently provided for by the 652 spaces located within this existing shopping center, including 18 handicap spaces.

- **Separation Distance**

There are no protected uses such as churches, public parks, schools or daycare centers are located within 400 feet of the proposed project.

- **Use**

A Supper Club Use is defined by Title 19 as a restaurant and bar with alcoholic beverages which the following descriptive characteristics;

1. The bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar by minors;

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2. The actual seating available at all times within the restaurant area will accommodate at least 125 persons;
3. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;
4. Full-course meals are available during all hours the bar is open to the public;
5. The cook and food server, other than a bartender, are available at all times the bar area is open to the public, and;
6. The restaurant operation is the principle portion of the business.

The subject use is to be located at 1780 North Buffalo Drive in suite #101, which is within an existing shopping center. This location meets all of the minimum conditions required for a Supper Club use; staff recommends approval of this request.

- **Conditions**

Minimum Special Use Permit Requirements:

1. No supper club use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park.
2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed supper club which is closest to the existing use to which the measurement pertains, and the other being the property line of the existing use which is closest to the proposed supper club. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created as to avoid the distance limitation described in Requirement 1.
3. In the case of a supper club proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line
 - c. From the nearest property line of the existing use to the nearest portion of the structure in which the supper club will be located, without regard to intervening obstacles,
 - d. In the case of a proposed supper club which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the supper club will be located , without regard to intervening obstacles.

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4. When considering a Special Use Permit application for a supper club which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- *5. In the O District, a supper club is permitted only as an accessory use
- *6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

Any condition with an asterisk cannot be waived.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Supper Club is located in a shopping center that contains a variety of uses. The addition of this Supper Club at this location will be compatible with the existing and future land uses. Approving this use will also provide a service for the surrounding area.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

This location is within an existing shopping center that was designed to accommodate a variety of uses, including a Supper Club use. This location is physically suitable, including adequate access for the proposed use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed location is adequately served by North Buffalo Drive a 100-foot primary arterial and Vegas Drive an 80-foot secondary collector. This location provides the necessary access and is a well suited location for this use.

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4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The site in question is located in the SC (Service Commercial) Master Plan land use category. This category is intended to provide low to medium intensity retail, office or other commercial uses intended to serve local area patrons. The proposed Supper Club location fulfills the intent of the SC (Service Commercial) category and will primarily serve local area patrons. This use will also be subject to licensing requirements and therefore will not compromise the public health, welfare or safety.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed use meets all of the requirements Title 19.04 requirements for a Supper Club use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 2,185

APPROVALS 4

PROTESTS 6